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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,187	05/04/2001	Ramesh Nagarajan	13-10	9273

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EXAMINER

WILSON, ROBERT W

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/849,187

Applicant(s)

NAGARAJAN ET AL.

Examiner

Robert W. Wilson

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Robert W. Wilson
Robert W. Wilson
9/11/07

Continuation of 11. does NOT place the application in condition for allowance because: The examiner respectively disagrees with the applicant argument that Remein fails to disclose: a first interface to a first high capacity trunk for directly coupling to a second type one node and a second interface to a second high capacity trunk for directly coupling to a type two node.

Remein teaches: A first interface to a first high capacity trunk (port on 38 connected via path to 39 (first high capacity trunk)) for directly coupling to a type 1 node (Directly coupled is not defined in applicant's specification as directly connected; therefore, directly coupled has a broad meaning; therefore, 38 (first type one node) is directly coupled to 39 (second type one node) via path between 38 and 39 per Fig 3)

A second interface to a second high capacity trunk for directly coupling to a type two node (second port on 38 (First type one node) is directly coupled to 34 (type 2 node) via path between 38 and 34 (second high capacity trunk))

The first and second interfaces are interpreted as reading on ports. The applicant's specification does not define directly coupled as meaning directly connected. The applicant intentionally has not used the wording in the claim directly connected; therefore, the examiner has interpreted directly coupled as reading on a path between two devices.

The examiner respectively disagrees with the applicant's argument that directly coupled is a synonym with directly connected. Coupled is a word of art. "Coupled" in the art is an indirect connection. The word of art for a direct connection is direct connection. The applicant has acted as a lexicographer and defined "directly coupled" which the applicant can interpret meaning whatever they want it to mean at any given time. The examiner has interpreted directly coupled as an indirect connection. The applicant did not define directly coupled in the specification as direct connection. Since coupled in the art means an indirect connection, the examiner asserts that adding the word direct in front of a word meaning an indirect connection is a direct indirect connection which is still an indirect connection. The examiner does not find applicant argument persuasive that direct coupled means direct connection. If the applicant had intended directly coupled to mean direct connection they should have defined this definition in the specification in the beginning. If the applicant had intended for the connection to be a direct connection then they could have used the well known English and inserted direction connection as an amendment.